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**REMARKS****Response to Specification Objections**

The disclosure was objected to by the Examiner because of the several informalities. In paragraph 35, drive member was referred to as element 33. Applicants have amended paragraph [0035] by replacing reference number "33" with reference number --34--. The Examiner indicated that the last line in paragraph 36 had an extra period. Applicants have amended paragraph [0036] to delete the period after the term "connection". In paragraph 38, elements 18 and 23 are referred to as "handles" when they have been previously referred to as a first elongated member and a proximal portion. Applicants have amended paragraph [0038] by replacing reference number "22" with reference number --23--. See the paragraph 32, which makes reference to handles 18 and 23.

**Response to Claim Objections**

Claim 46 is objected to by the Examiner because of unnecessary brackets ("[]"). In response, Applicants have deleted the brackets.

**Response to Claim Rejections Under 35 U.S.C. §112**

Claims 2 and 40 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.

In response, Applicants have amended claim 40 to remove the indefiniteness.

**Response to Claim Rejections Under 35 U.S.C. §102**

Claims 40, 42-44, and 46 were rejected under 35 U.S.C. §102(b) as being anticipated by Mohajer (U.S. Pat. No. 5,464,409). In response, Applicants have

amended claims 40 and 46 to require a collar on the guide rail configured to guide a medical device on the rail to a desired location. Mohajer describes an outer sheath but it does not appear to be able to direct a medical device on the rail to a desired location. Moreover, Mohajer fails to teach or suggest a second elongated member with a tissue engaging distal tip configured to grasp uterine tissue at a location proximal to the distal end of the guide rail. In as much as the cited reference fails to teach every feature of the claimed invention, it cannot anticipate the rejected claims.

#### **Response to Claim Rejections Under 35 U.S.C. §103**

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mohajer in view of Molinelli (U.S. Pat. No. 1,571,956). These claims have been cancelled without prejudice so this rejection is moot.

Claims 29-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mohajer. These claims have been cancelled without prejudice so this rejection is moot.

Claim 34 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mohajer in view of Hasson (U.S. Pat. No. 5,368,598). This claim has been cancelled without prejudice so this rejection is moot.

Claim 41 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mohajer in view of Hasson (U.S. Pat. No. 5,037,430). However, Hasson does not teach or suggest the deficiencies noted above in the Mohajer patent, so the combination does not teach every claimed feature.

Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mohajer in view of Hasson (U.S. Pat. No. 5,562,680). Hasson, as discussed above, fails to make up for the deficiencies of Mohajer, so the combination of these two

references fails to teach all the claimed features. Moreover, claim 45 calls for threads on an exterior portion of the guide rail at a location proximal to where the distal end of the first elongated member is secured to the guide rail. Neither Mohajer nor Hasson teach or suggest this feature.

### Conclusion

Applicants believe that the pending claims define patentable subject matter.

Reconsideration and an early allowance are respectfully requested.

Respectfully submitted,

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